

1 BILL NO. R- 89-01-04

2 RESOLUTION NO. R- 02-89

3 A RESOLUTION authorizing the City of
4 Fort Wayne, Indiana, to enter into a
5 Fire Protection Contract with Zollner
6 Corporation.

7 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
8 THE CITY OF FORT WAYNE, INDIANA:

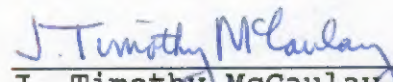
9 SECTION 1. The annexed Fire Protection Contract by and
10 between the City of Fort Wayne, Indiana, and the Zollner
11 Corporation, is hereby approved, ratified and affirmed in all
12 respects and the appropriate officials of the City of Fort
13 Wayne, Indiana, are hereby empowered to execute same.

14 SECTION 2. Said Fire Protection Contract is made a part
15 hereof and two (2) copies are on file in the Office of the
16 City Clerk and are available for public inspection.

17 SECTION 3. This Resolution shall be in full force and
18 effect from and after its passage and any and all necessary
19 approval by the Mayor.

20 
21 Councilmember

22 APPROVED AS TO FORM
23 AND LEGALITY

24 
25 J. Timothy McCaulay, City Attorney

FIRE PROTECTION CONTRACT

This Contract is entered into in duplicate, effective the 1st day of January, 1989, between THE CITY OF FORT WAYNE, INDIANA, acting by and through its Mayor and members of the Board of Public Works and Safety ("City") and ZOLLNER CORPORATION, an Indiana corporation, having its principal place of business in Adams Township, Allen County, Indiana ("Zollner").

WHEREAS, Zollner is the owner of certain improvements upon real estate near, but outside the corporate limits, of the City of Fort Wayne, the common address for which is 2425 Coliseum Boulevard South, Fort Wayne, Indiana 46803, intending to include in the fire protection coverage provided by this Contract, all improvements existing on or at said location during the continuation of this Contract (the "Premises"), and

WHEREAS, Zollner desires to be assured that fire protection by City is available to the Premises.

NOW THEREFORE, the parties agree as follows:

1. TERM. For a continuous period of three (3) years, commencing January 1, 1989, and terminating December 31, 1991, upon the receipt by City's Fire Department of a notification or signal that there is a fire on the Premises above described, City shall cause the proper fire fighting station or stations to send such fire fighting equipment, materials and personnel to the Premises as it reasonably sends to other similar locations within the corporate limits of the City.

2. MATERIALS. Zollner shall reimburse City for foam and powder used to extinguish any fire, said reimbursement to be made within ten (10) days after being billed by City for said materials so used.

3. PAYMENT FOR FIRE FIGHTING SERVICES. For the fire fighting services provided by this Contract, Zollner agrees to pay City an annual sum of \$7,400, payable in two installments of \$3,700 each, due on the 15th day of January and the 15th day of July hereafter during the term of this agreement. with the first installment due

4. INSPECTION. City shall cause its Fire Department personnel and Fire Prevention Bureau personnel to inspect Zollner's building, equipment and facilities periodically, at mutually convenient times, to familiarize such personnel with said buildings, equipment and facilities and Zollner's operation on the Premises, so as to (1) determine the types of fires which may reasonable be anticipated on the Premises; (2) be able to render service commensurate with existing service conditions; and (3) make recommendations relative to fire prevention.

5. NON-ASSUMPTION OF LIABILITY. City and City's Fire Department shall not assume any liability for the safety, well-being or destruction of any structures, buildings or the contents therein, nor for individuals involved therein, in the execution of this Contract.

6. CONTRACT EFFECTIVE. Notwithstanding the foregoing provisions, this Contract shall not become effective until it shall have been signed by the Mayor and the members of the Board of Public Works and Safety, and ratified and approved by the Common Council of the City.

ZOLLNER CORPORATION

By: _____
MARJORIE E. BOWSTROM, Chairman
of the Board and Chief Executive
Officer

CITY OF FORT WAYNE, INDIANA

By: _____
W. PAUL HELMKE, JR., Mayor

BOARD OF PUBLIC WORKS AND SAFETY

By: _____
ANGELA S. DERHEIMER, Director of
Public Works

I hereby certify that the foregoing Contract was ratified and approved by the Common Council of the City of Fort Wayne, Indiana, on the _____ day of _____, 198__.

SANDRA E. KENNEDY, Clerk

Read the first time in full and on motion by Henry, seconded by Bradbury, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 1-10-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 1-24-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 07-02-89

on the 24th day of January, 1989,

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

ATTEST SEAL
Charles B. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of January, 1989, at the hour of 1:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of January,

19 89 at the hour of 7:30 o'clock P. M. E.S.T.

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

R-85-01-04

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS AND SAFETY

SYNOPSIS OF ORDINANCE AUTHORIZES THE CITY THROUGH THE BOARD OF

PUBLIC WORKS AND SAFETY TO ENTER INTO A CONTRACT WHEREBY THE CITY

PROVIDES CONTINUOUS FIRE PROTECTION TO ZOLLNER CORPORATION FOR A

THREE YEAR PERIOD.

EFFECT OF PASSAGE ALLOWS THE CITY TO PROVIDE ZOLLNER CORPORATION

FIRE PROTECTION SERVICES

EFFECT OF NON-PASSAGE LOSS OF \$7,400 in annual income.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-89-01-04

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) authorizing the City
of Fort Wayne, Indiana, to enter into a Fire Protection
Contract with Zollner Corporation

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

YES

NO

Thomas C. Henry THOMAS C. HENRY
CHAIRMAN

Mark E. GiaQuinta MARK E. GIAQUINTA
VICE CHAIRMAN

Janet G. Bradbury JANET G. BRADBURY

Donald J. Schmidt DONALD J. SCHMIDT

James S. Stier JAMES S. STIER

CONCURRED IN 1-24-89

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk